

36. (New) The method as claimed in claim 35, further comprising creating the media channel in response to analyzing the audiovisual media delivered by said first device.

37. (New) The method as claimed in claim 36, wherein said information appliance is capable of placing said media channel as a sub-directory of said first device channel.

REMARKS

Claims 1 through 37 are pending in the application. Claim 17 has been amended. Claims 32-37 have been added.

Claim Objections

The Patent Office objected to claim 17 as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 17 has been amended.

Claim Rejections – 35 USC § 102

The Patent Office rejected claims 1-31 under 35 U.S.C. § 102(e) as being anticipated by Humpleman et al., U.S. Patent No. 6,288,716, (hereinafter Humpleman).

Applicant respectfully submits that a *prima facie* case of anticipation has not been established for claims 1-31. “[A]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983) (emphasis added)).

Further, the Federal Circuit has stated that:

An anticipating reference must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention. *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 48 USPQ2d 1321, 1328 (Fed. Cir. 1998) citing *In re Spada*, 911 F.2d 705, 708 15 USPQ 2d 1655, 1657 (Fed. Cir. 1990).

Applicant respectfully submits that an advantageous and novel elements of claims 1, 11, 21 and 31 are not present within the disclosure of Humpleman.

Claims 1, 11 and 21 generally include the element of accessing content via a network. Claims 11 and 21 include the element, as an example, "searching a network for information." Applicant respectfully submits that Humpleman does not disclose, teach or suggest accessing content via a network.

The Patent Office states that Humpleman teaches the element of accessing content via a network in Column 20, Lines 58-65. However, Humpleman merely teaches the ability to control a home network, and its devices, from outside the home by allowing a connection from the home network to interface with the Internet. While a connection to the Internet is taught, the element of accessing content across a network is not taught by Humpleman. Consequently, an element of claims 1, 11 and 21 has not been taught by Humpleman. Accordingly, under *Lindemann*, a *prima facie* case of anticipation has not been established for claims 1, 11 and 21.

Additionally, claims 1, 11, 21 and 31 generally include the element of creation of a channel including information associated with the audiovisual media delivered by a device. Humpleman does not teach the element of creation of a channel including information associated with the audiovisual media delivered by a device. The Patent Office points to Column 23, lines 40-50 for support that Humpleman discloses the element of creation of a channel including information associated with the audiovisual media delivered by a device. However, Humpleman merely teaches the display of a list of material available on a particular home device. (Column 23, Lines 43-46). A list of material available on a particular home device is not equivalent to information associated with the audiovisual media. Information associated with audiovisual media may refer to additional content that is not ordinarily available to the consumer. Consequently, another element of claims 1, 11, 21 and 31 has not been disclosed, suggested or taught by

Humpleman. As a result, a *prima facie* case of anticipation has not been established for claims 1, 11, 21 and 31. Claims 2-10, 12-20 and 22-30 are believed allowable due to their dependence upon allowable claims 1, 11 and 21 respectively.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version With Markings To Show Changes Made."**

CONCLUSION

In light of the foregoing remarks, reconsideration and allowance of the claims is earnestly solicited.

Respectfully submitted,

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Version With Markings To Show Changes Made

In the claims:

Claim 17 has been amended as follows:

17. (Amended) The method as claimed in claim 11 ~~4~~, wherein said first device comprises at least one of the following: a television, a cable box, a satellite receiver, a CD player, a DVD player, a radio tuner, a video game player, a VCR, and a security system.